

REFORM GOVERNMENT
IN ONTARIO.

EIGHT YEARS' REVIEW

BY THE

HON. ADAM CROOKS,
MINISTER OF EDUCATION,

IN AN ADDRESS TO THE ELECTORS OF THE
SOUTH RIDING OF OXFORD.



Toronto :

PRINTED BY HUNTER, ROSE & CO., 25 WELLINGTON STREET.

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TO THE ELECTORS

OF THE

SOUTH RIDING OF OXFORD.

You will be called upon shortly to discharge the important duty of electing a Representative to the Legislative Assembly of the Province.

At the Convention of Reformers, held at Mount Elgin on the 24th day of April, 1878, for the express purpose of nominating Candidates for the Dominion Parliament and the Local Assembly, it was resolved that I should be nominated as the Candidate for the Local Legislature.

All parts of the Riding were fully represented at this Convention, as will appear from the list of delegates from each municipality.

At the annual meeting of the Reform Association, held at Mount Elgin, on Monday, 30th February, 1879, it was resolved "that having heard the letter of the Hon. Adam Crooks read, this meeting approves of the sentiments therein expressed, and begs to thank him for his services as Representative of this Riding, and as Reformers take this opportunity of expressing their continued confidence in the honesty, integrity and administrative ability of the Reform Government of Ontario led by the Hon. Oliver Mowat, of which Mr. Crooks is a member."

There was a large number of members in attendance, and the majority of those present decided that no other Convention was necessary for nominating a Candidate for the Local Legislature than the one which had nominated Col. Skinner and myself on the 24th day of April, 1878.

In accordance therefore with the nomination made on the 24th April, 1878, and the expression of confidence by the meeting of 30th February, 1879, I am again before you in the responsible position of your Candidate on the present occasion.

I will take an early opportunity of placing in your hands a full record of the administration of the Hon. Mr. Mowat during the last four years, and that record will, I am sure, fully warrant you in sustaining his administration, and renewing my services as your Representative.

It will also be my duty at such times as may suit your convenience, to explain personally and in public discussion all the acts of the Reform Administration, as well as such as concern myself specially as your Representative.

Recognising fully the honour of serving one of the constituencies of what has been justly called the "garden county of Ontario,"

I have the honour to be, until I have the pleasure of meeting you personally,

Your obedient servant,

ADAM CROOKS.

Education Department,

Toronto, April 9th, 1879.

REFORM GOVERNMENT IN ONTARIO.

EIGHT YEARS' REVIEW.

"It was on my progress through the Province of Ontario that I first learnt "to appreciate the good qualities of the Canadian people, their loyalty to the "Queen and Mother Country, their self-reliance, their energy, and the "mighty industry which has enabled them to convert what a century ago "was a vast wilderness, into a glorious group of rich, prosperous and well "cultivated English counties."—[*Lord Dufferin's reply to the Address of the Legislative Assembly of Ontario, St. Petersburg, March 2nd, 1879.*]

I N August, 1875, I submitted for your consideration, in a concise form, a retrospect of four years of Reform Government in this Province, since which there has been four more years of experience. I propose, therefore, to place before you, in similar form, a review of this whole period, and invite the attention of the electors of the South Riding of Oxford to the record thus exhibited of the labours of the Reform Government, in which throughout I have been a member.

Under our system of Responsible Government, the opportunity is now given to every elector in the Province to express his individual opinion at the polls as to whether the Government can be said to have deserved well of the country so as to merit a continuance of its confidence. The fairest and only proper test of this, is an examination of the policy and principles, and the legislative and administrative acts consequent thereupon, during the period in which the duties and responsibilities of Government were being discharged by Reformers. In order to ensure an intelligent consideration and judgment of these matters, it is necessary to understand the functions of a Provincial Government under the Constitution as defined by the British North America Act of 1867, and the first inquiry here is as to the nature and extent of the jurisdiction granted to the Provinces as distinguished from that of the Dominion of Canada. This has become especially important at the present time, when the party in power at Ottawa, under the stimulus of victory gained by no legitimate expression of a political principle is affecting to make light of our Provincial system in order to consolidate their power and to govern the whole Dominion with one Parliament and Ministry. Ever since the year 1791, when the Province of Upper Canada was first created

out of portions of the former French Province of Quebec, it enjoyed a Constitution under the Imperial Act (31 Geo. III. chap. 31), by virtue of which the Crown, with the advice and consent of the Legislative Council and Assembly of the Province, had full power "to make laws, for the peace, welfare and good government of the Province," the functions of the Crown being exercised by a Lieutenant-Governor for the time being appointed by the Crown, and the Legislative Assembly being composed of members chosen by the qualified electors from the different districts or counties of the Province.

When the Union Act of 1840, between Upper and Lower Canada, was passed by the Imperial Parliament (3rd and 4th Vic., chap. 35), Her Majesty was empowered, by and with the advice and consent of the Legislative Council and Assembly of the united provinces, "to make laws for the peace, welfare and good government thereof;" and representation in the Legislative Assembly of these Provinces, was, through an equal number of representatives for each Province, elected for the counties and ridings therein mentioned. By the British North America Act, 1867 (30 & 31 Vic., cap. 3), it is recited that the different Provinces had expressed their desire to be federally united into one Dominion under the Crown of the United Kingdom of Great Britain and Ireland, with a constitution similar in principle to that of the United Kingdom; and this involved the continuance of the like powers which formerly existed in the Province of Upper Canada, and in the Province of Canada under the two former Constitutional Acts, as well as such further powers as were conferred by the Imperial Act of 1867, "in order to conduce to the welfare of the Provinces, and promote the interests of the British Empire." Ontario thereby assumed again its former position of a separate Province, and Executive Governments and Dominion and Provincial Legislatures were constituted with the respective powers and authorities conferred by that Act. The nature and extent of the executive authority of each Government would in general be co-extensive with, and incidental to, the Legislative powers conferred on the respective Legislatures, and when these powers are ascertained, those of the Executive would necessarily follow. It will be seen by reference to particular sections of the Constitutional Act, as well as from its method of arrangement and general provisions, that the powers and authorities vested in the Executive Governments and Legislatures of the Dominion, and of each Province, are altogether sovereign in their nature, and in no sense municipal or subordinate to any other than the paramount authority of the Imperial Parliament, but on the contrary supreme within the limits of the subjects assigned to each respectively for the government of each Province. The two systems combined together exercise complete sovereignty in all matters in Canada. But there is a distribution of the powers attached to each and the Act determines this by defining the line of separation between the two jurisdictions through an enumeration of classes of subjects, under which the Queen, by and with the advice and consent of the Senate and House of Commons of

Canada, and of the Legislative Assembly of the Provinces respectively, is empowered to make laws for the peace, order and good government of Canada, and, in matters exclusively assigned, of each Province. The classes of subjects by the Act assigned exclusively to the Legislatures of the provinces are expressly excepted from the jurisdiction of the Dominion; and the power of the Provincial Legislature in regard to such matters is declared to be the "exclusive" power of making laws. Within the category of subjects exclusively provincial, is found the power of direct taxation in order to raise a revenue for provincial purposes, and borrowing money on the credit of the province; of managing and selling the public lands, timber and minerals; of establishing, maintaining, and managing all public and reformatory prisons and hospitals, asylums, charities and the like institutions; of regulating the whole municipal system, the licensing of shops, saloons, taverns, auctioneers, and other licenses for the raising of a revenue for Provincial, Local or Municipal purposes; of constructing local works and undertakings of any kind, of incorporating companies for any object in the province; as to the solemnization of marriage and the whole system of property and civil rights, as well as the whole responsibility of the administration of justice, including the Constitution, maintenance and organization of Provincial Courts, both for civil and criminal jurisdiction, as well as procedure in civil matters; the power of punishment by fine, penalty, or imprisonment for the enforcement of any laws of the province; and generally all matters of a provincial nature, as well as the exclusive power of making laws in relation to education, and a concurrent power in regard to agriculture and immigration. The Act vested in the province of Ontario all the lands, mines, minerals and royalties which formerly belonged to the Province of Canada, situate in the Province of Ontario. The revenue of each province was formed into one consolidated Revenue Fund for the public services of the province; while the fullest power was given to the Provincial Legislature to amend its Constitution from time to time. Full power was also given to the Lieutenant Governor to appoint executive officers for the discharge of public duties, and the Imperial Act itself in the meantime expressly prescribes the following officers for such duties, viz., the Attorney-General, Secretary and Registrar, Treasurer, Commissioner of Crown Lands, and the Commissioner of Agriculture and Public Works, and all the powers which were formerly exercised by such officers, either by any law of the former Province of Upper Canada or of Canada were vested in these officers. On the other hand, matters assigned by the B. N. A. Act to the Parliament of Canada were such as came within classes of subjects, general or common to the whole Dominion in their nature, and not coming within the classes of subjects so exclusively assigned to the Legislatures of the Provinces. It is, therefore, clear that there is no subordination of the Provincial Legislatures to that of the Dominion, and that the nature of the laws made by each jurisdiction, does not differ in their essence, in being laws, enforceable through the Crown, which stands in the same relation to the Dominion and Provinces in matters

Canadian and Provincial respectively, as it does to the United Kingdom.

It is also to be noticed that in this distribution of powers the Dominion Legislature and Executive cannot transgress the line which separates the classes of subjects exclusively provincial from Dominion matters, and that in any attempt to do so, the proceedings would be as equally *ultra vires*, or unconstitutional, as if any Provincial Legislature or Government had invaded the limits of Dominion jurisdiction.

There need not, however, be much room in our confederate system for those difficulties which are constantly occurring in the American Union, when doubts are raised to so many acts of Congress and State Legislatures as being "unconstitutional."

It is only necessary under our system to draw the line of separation between the two jurisdictions, and this is so well defined by the B. N. A. Act itself that if the true principle of interpretation is adopted of giving to the words used in the Statute a liberal and comprehensive construction, and not a narrow or technical one, there should be little difficulty in determining what is constitutional or not.

It may have been intended by the framers of our Confederation Act, (and, in my judgment, should have been so provided,) that the power of disallowance resting with the Queen in Council as to Dominion Acts, and with the Governor-in-Council as to Provincial Acts, should have been the sole proceeding in the case of any unconstitutionality; and it would certainly have been an effectual check, and a much more satisfactory position for all Her Majesty's subjects in Canada, than the uncertain opinions of any Court which, from a Justice of the Peace to the Supreme Court at Ottawa, and Her Majesty's Judicial Committee of the Privy Council, is competent to pronounce upon any Act, Canadian or Provincial, whether it is not in excess of the jurisdiction of the Legislature which passed it.

The principle upon which our Constitution rests is the old Anglo-Saxon one of self-government, beginning with local organizations for local matters, and extending their scope as the subjects enlarge, and when Confederation took place the system became complete in Canada, and will probably become so throughout the British Empire, when Imperial Confederation is better understood. Beginning with the townships, villages and towns, and thence through the larger area of counties and cities, the Province is the result—and their aggregation constitutes the Dominion of Canada. The inhabitants of each Province are much concerned in those different bodies politic of which they form integral parts, properly discharging their several duties so as to secure the welfare of the many, and the injury of none; and this can probably be more nearly accomplished when each body politic confines its energies and actions to the sphere of jurisdiction which was intended as its proper limit. It was in this sense that Mr. Blake and other Reformers have strenuously contended that the Provincial Governments should be free from any dominant influence or illegitimate interference of the Federal Government; and now that that precious principle on which the success of Confederation hangs has been disregarded at Ottawa in the case of

the Province of Quebec, the Conservative leaders are anxiously striving to introduce into the discussion of Provincial matters in the present elections as the sole issue on which they should be determined, the perplexities of the so-called National Tariff, with which the Government, Legislature and Electors of Ontario (as such) have nothing whatever to do, and which they cannot control one way or the other.

While Provincial interests under the scheme of Confederation are committed to the care of a Provincial Government and Legislature, and matters of general concern are entrusted to the Dominion Government and Parliament, their spheres of action are independent of each other; and the successful working of Confederation requires that this independence in their Legislative and Executive capacities should be carefully observed, or otherwise the most valuable of the privileges gained by Confederation—the political autonomy of each Province, will be in jeopardy. While there is then no subordination of the Provincial Legislative authority to that of the Dominion, it will also have been seen that the subjects within the jurisdiction of the former are as important and concern the peace, general welfare, and good government of the inhabitants of the different Provinces, as those within the jurisdiction of the Dominion, if not, in several particulars much more important. The principal Dominion subjects are (1) the general regulation of trade and commerce; (2) the raising of money by any system of taxation; (3) the public debt and borrowing of money; (4) the postal service, (5) the military and naval service and defence, (6) navigation, shipping, and matters incident thereto, (7) currency, banking and financial matters, (8) the law of marriage and divorce, and (9) the criminal law and procedure: but the classes of subjects assigned exclusively to the Legislatures of the Provinces are expressly excepted from the jurisdiction of the Dominion.

The power of the appointment of Lieutenant-Governors, and of the Judges of the Superior Courts in each of the Provinces rests with the Governor-General in Council, with the power of dismissing the Lieutenant-Governors, and, on an address of the Senate and House of Commons, also the Judges.

Any Legislative action of the Provincial Legislatures is subject to the like power of disallowance by the Governor-General in Council as that of the Dominion is subject to by Her Majesty in Council.

The people of this Province have been taught by the practical lessons of the period from 1841 to 1867, how specially important it is to their welfare and good government that such public matters as the management and sale of the public lands and the revenues therefrom, as well as from mines and minerals, the control of our municipal institutions, supreme authority over property and civil rights, the efficient administration of justice, and the responsibility of educating the whole people of the Province, should be regulated by a Legislature conversant with such subjects, and their bearings upon the interests of the Province; and that they should be administered by such of their number in whose intelligence and integrity the Legislature have confidence, when it is

seen in matters Dominion that the most important have been committed to Ministers who have little experience or knowledge of Ontario (a); and it would be found in the event of a Legislative Union that the conduct of Provincial affairs now satisfactorily regulated and administered would be entrusted to the like inexperienced and uninformed officials.

The one colourable argument for such a step, is the assumed expense of carrying on the two systems of Government; but if the expenditure of the Province of Ontario for the purpose of Legislation (which is one of the few subjects which could be dispensed with), amounting to \$111, 250 and a portion under Civil Government saved, the total economy effected for the year 1879 would amount to about the sum of \$150,000; for the expenditure for all other Provincial objects would be as necessary under a Legislative Union as now, and with the certain danger of larger amounts being required owing to the difficulty of managing as economically at Ottawa as at Toronto; and if this argument of expense is to be pressed, a simpler mode of diminishing the general expenditure would be in the reduction, which could readily be made without detriment to the efficiency of the public service or to Canadian interests, in the expense of Civil Government and Legislation at Ottawa, amounting as shown by the estimates for 1879-80 for Civil Government to \$874, 881, and for Legislation to \$628, 186, or a total of 1,503,067 (b).

Having regard then to the nature and extent of the jurisdiction possessed by the Province of Ontario, and all the powers and authorities to be exercised according to the principles of the British system of Constitutional Government, I will proceed with a review of the measures of legislation and acts of Administration from the time the Reform party was entrusted with the duties of Government, on the 19th of December, 1871, to the present time, and comprising the several sessions of the Second and Third Parliaments of Ontario.

THE FIRST SESSION OF SECOND PARLIAMENT. (1871-2).

During this Session, which met on the 7th December, 1871, under Mr. Sandfield Macdonald's Ministry, the Government of Mr. Blake, which displaced it on the 20th December, was at a disadvantage in having to prepare the work of the Session after it had commenced; but the actual work accomplished justified the condemnation passed upon his predecessor, and gave plain evidence of the ability of the Reform Government to carry into effect what they had contended for in opposition, for Mr. Blake passed an Act under which every Order in Council authorising payments to any railway company from the Railway Fund, should be laid before the Legislative Assembly for its sanction before such order could become operative, and also another Act by which the further sum of \$400,000 was added to the former \$1,500,000,

(a) see Appendix as to this

(b) see Appendix as to this

and also \$100,000 per annum for twenty years. Although the original act establishing the fund of \$1,500,000 was passed on the 15th February, 1871, the former Government had only made two appropriations thereunder, namely, on the 14th October, 1871, for the short distance of railway between Collingwood and Meaford, and between Barrie and Orillia, while other applications were kept in suspense pending the general elections. Mr. Blake, as the Session proceeded, was able to consider and recommend to the Lieutenant-Governor in Council, and to submit to the House of Assembly for its ratification, no less than ten Orders in Council in respect of the following Railways, namely :

1. Toronto and Nipissing Railway Company, from Uxbridge to Cobocok.
2. Wellington, Grey and Bruce Railway Company, between Harriston and Southampton.
3. Kingston and Pembroke Railway Company, between Kingston and a point 16 miles southerly from Pembroke.
4. Canada Central Railway Company, between Sandpoint and Pembroke.
5. Hamilton and Lake Erie Railway Company, between Hamilton and Jarvis.
6. Midland Railway Company, between Beaverton and Orillia.
7. Toronto, Simcoe and Muskoka Railway Company, between Orillia and Washago.
8. Grand Junction Railway Company, between Belleville and Lindsay.
9. Montreal and City of Ottawa Junction Railway Company, between the intersection of the Province line in Glengarry, and the City of Ottawa.
10. Toronto, Grey and Bruce Railway Company, between Orangeville and Harriston, and between Orangeville and Owen Sound.

The larger portion of the works thus aided, were completed with reasonable expedition, and have tended greatly, through increased facilities of communication, to considerably advance the material interests of the Province, while the independence of the Legislative Assembly and their constitutional right and obvious duty of determining the appropriation of the public revenue were vindicated and secured. The independence of the Legislative Assembly was further protected by extending the cases of ineligibility of persons holding office under the Crown. Also by rendering members of the House of Commons ineligible for election as members of the Legislative Assembly, and also to allow all matters to be proved under oath before a Committee of the Legislative Assembly. It is to be remarked, that this measure (introduced by myself) was assented to on the 2nd March, 1872, and was not objected to by the Governor-General and his advisers at Ottawa, and that it went to the same extent as the Act passed by the Dominion Parliament on the 3rd May, 1873, and which by proclamation, dated 1st July, 1873, was dis-

allowed by Her Majesty as being in excess of the powers of the Canadian Parliament. The true reason, however, was the anxiety of Sir John Macdonald and his Administration to be free from the obligation of an examination under oath before the impending Committee charged with the investigation of the notorious Pacific Railway scandal. The reasoning of the Law advisers in England on which the disallowance proceeded was unsound, for it appeared that an Imperial Act (34 & 35 V. c. 83,) had been passed in 1871 for the like purpose; and this constitutional objection having been conclusively shewn to be "a myth" (which, however, answered its temporary purpose), the Parliament of Canada, on the 12th April, 1876, enacted a similar law, under which witnesses before any Committee of the Senate or House of Commons may be examined upon oath.

Important amendments in the law were also made in this session, in enabling any person to appear as an agent or advocate for any party in the Division Court; to facilitate the transaction of the business of the County Court by junior judges; to settle the true construction of the Act against fraudulent conveyances; to make debts and *choses in action* assignable at law, when formerly equity alone would recognise such; to confer upon subjects the same rights of suit against the Crown as against ordinary persons for the like causes of action, when such a measure had been positively denied by the former Government; to extend the right of property of married women, so that all her wages and personal earnings, and all proceeds or profits from any separate business carried on by her, or derived from any literary or other skill, should be enjoyed by her as if a *femme sole*, to hold or own real estate in the like manner, to insure her own life or that of her husband (with his consent) for the benefit of herself and family, to hold stocks in banks and other companies; and to make deposits of money in any bank in her own name, and to withdraw the same by her own cheque, also to bring any suit in her own name for the recovery of her money or property. This Act further relieved the wife from many of the disabilities of the old feudal law, in giving her a separate legal existence in regard to her own property, and in removing the necessity of the cumbrous system of settlements, good only under the doctrines of a Court of Equity. A general measure for the construction of drainage works by municipalities was passed, which has been found of the greatest advantage in many portions of the Province, and which, being based upon municipal debentures purchased by the Lieutenant-Governor in Council, out of a fund (\$200,000) then set apart, and which since became permanent, secures the means of benefiting large areas of property in an efficient and economical manner, and in contrast to the unsatisfactory method of the late Government, under which the Department of Public Works assumed to construct such works. One hundred and nineteen Acts in all were passed during this Session, forty of them being in the nature of Public Acts, and seventy-nine Private Acts; twenty-two being either in respect of Railways or for their incorporation.

The Estimates for the year 1872 amounted to the sum of \$2,368,272.

The estimates for the preceding year, 1871, brought down by Treasurer Wood, asked for no less than \$2,602,560.37, in which was included for Public Works, on Capital Account, the sum of \$750,311.37, of which \$425,843 was expended, leaving \$324,468 unexpended, and in respect of uncompleted works such as the London Asylum, the Blind Institute, Agricultural College and Farm, College of Technology, Central Prison (not even commenced), and one half of the amount voted for drainage works. The estimates introduced by Mr. Mackenzie included for Public Works and Buildings on Capital Account \$528,850 of which \$325,839, represented revotes of the unexpended appropriations of 1871, leaving \$203,011 as the proposed new expenditure for that year.

Mr. Mackenzie, in his financial statement pointed out that the change effected by Confederation was both beneficial to us as a Province and also to Quebec by stimulating her to greater exertions in her own local affairs, instead of depending mainly, as she formerly did, upon Upper Canada. His figures on this point showed that during the period of the Union between Upper and Lower Canada, there was expended from the common revenue of the united provinces :

(1.) For the Administration of Justice in Lower Canada	\$7,714,300
For the administration of Justice in Upper Canada.....	5,102.633
Excess paid for Lower Canada	2,611,666
(2.) For Education in Lower Canada	4,309,397
“ “ Upper Canada	3,962.627
Excess paid for Lower Canada	\$346.770

and that this was carried out in other matters especially in the vote for Colonization Roads, Bridges and Works, connected therewith.

He also showed that the ability of the Province to accumulate a surplus arose mainly from the satisfactory working of our Municipal System which relieved the general revenues of the Province from the demands for local purposes which are made in the other Provinces. His statement of the amounts thus paid by the different Governments for 1870-1, is as follows :

For Education, Ontario, \$379,305.00, or 24 per cent. per capita.	
“ “ Quebec, \$311,210.00 “ 26 “ “	
“ “ Nova Scotia, \$165,000 or 42 “ “	
“ “ New Brunswick, \$136,711 or 47 per cent per capita.	
For Roads and Bridges, Ontario, \$60,000 or 4 per cent. per capita.	
“ “ Quebec, \$150,000 or 12½ per cent. per capita.	
“ “ Nova Scotia \$214,213 or 55 per cent. per capita.	
“ “ New Brunswick, \$159,000 or 55 per cent. per capita.	

The sum of \$60,000 expended in Ontario was entirely for Colonization Roads while the larger proportion of the amount expended in Quebec was for roads in the old settlements.

For the Administration of Justice in Ontario, \$197,000 or 12½ per cent. per capita.

For the Administration of Justice in Quebec, \$373,838 or 31 per cent. per capita.

In Ontario the municipal contribution for that year was \$373,838 or double that of the Government. Mr. Mackenzie's conclusion was that if the revenue of the Province had been drawn upon for local purposes in the same proportion as the other Provinces that it would have been insufficient to meet the expenses, and that a resort to direct taxation would have been inevitable, and he quotes the remarks of the Treasurer of Quebec in 1872, to the effect "that a large portion of what is paid in this Province (Quebec), direct from the Public Treasury, is, in Ontario and the United States, paid from local taxation through Municipal Councils."

The estimated revenue for 1872 was \$2,796,999, in which the amount from the Crown Lands and Woods and Forests, was placed at \$669,376, while the estimated expenditure was \$2,368,772. The amount voted for Civil Government in 1872 was \$128,504, or an increase of \$6,332 over 1871.

SECOND SESSION, SECOND PARLIAMENT (1873).

This Session began on the 8th January, 1873, with Mr. Mowat as Attorney-General and Leader of the Government; he having accepted the position in October, 1872. This Session lasted for nearly three months, and is distinguished for its valuable and important results which permanently remain of record in the journals and volume of statutes for that year. The Acts passed in that Session numbered 163, and 50 of them related to matters of general public concern, such as:—Improvements in the mode of electing members; provisions for making the administration of justice more efficient, and in lessening the line of separation between courts of law and equity; as to masters and workmen to facilitate co-operation, and the settlements of disputes by courts of conciliation; establishing liens in favour of mechanics, machinists and others for work and materials: extending the usefulness of the Provincial University, and the efficiency of its Senate; establishing a school for practical instruction in the arts of mining, engineering, mechanics and manufactures; respecting institutions for the education of the deaf, dumb and blind; more effectual regulation of the liquor traffic; the encouragement of agricultural associations including the dairymen's; the addition of a further sum of \$200,000 for drainage purposes; establishing public boards of health for the prevention or removal of causes of disease; the consolidating of the law respecting mutual fire insurance companies and extending their usefulness.

Three Acts, however, of this Session demand special reference, (1) being

the consolidation of the whole municipal law into one code, the work of which had been entrusted by Mr. Blake to myself while Attorney-General. The plan adopted resulted in the simplification of the arrangement, and in reducing 1,000 sections of the existing law to 512. Mr. Sandfield Macdonald's Government had made two attempts towards this at considerable expense to the Province, but they were failures. (2). His government had also appointed commissioners in 1871 for the purpose of inquiring into the working of the courts of law and equity, but Mr. Blake's Government relieved them from further prosecution of this enquiry; and when Mr. Mowat became Attorney-General he was able to embody in his Administration of Justice Acts simple and practical remedies, and to make almost a complete fusion between law and equity, without such serious disturbances as have occurred in England, and (3), the statute which provided for the settlement of a question which Mr. Sandfield Macdonald's Government was confessedly unable to grapple with; this was the settlement, to the general satisfaction of the people of Ontario, of the large obligations of many municipalities for amounts borrowed from the Municipal Loan Fund of the former Province of Upper Canada. These were reduced upon the application of just principles, while a fair measure of justice was on the other hand shown to the non-borrowing municipalities by a large distribution of the surplus funds of the Province to aid them in works of a permanent nature. The direct effect of this was at once to remove from the indebted municipalities that incubus of debt which had left them in a condition of "ruin and decay," as well as to create an additional impetus to improvements of a permanent character in every part of the Province.

In addition to the Public Acts for carrying out the different objects mentioned, the Government submitted for the approval of the Legislature, nine Orders in Council in aid of the following Railway Companies, namely :

1. The Toronto, Grey and Bruce Railway, for the distance from Harri-
son to Teeswater.

2. Port Whitby and Port Perry Railway, from Lake Ontario to Lake
Scugog.

3. Wellington, Grey and Bruce Railway, from Wingham to Kincardine.

4. Northern Extension Railway, from Washago to Gravenhurst.

5. London, Huron and Bruce Railway, from London to Wingham.

6. Prince Edward County Railway, from the Grand Trunk Railway
to Picton.

7. Port Dover and Lake Huron Railway from Port Dover to Woodstock.

8. Cobourg, Peterborough and Marmora Railway, from Ashburnham
to Chemong Lake.

9. Credit Valley Railway, from Toronto to the Brock Road, and from
Streetsville to Alton.

The number of Private Bills passed was 113, 33 being in respect of Railway Companies or their incorporation.

The Estimates of Expenditure for 1873 submitted by me as Provincial Treasurer amounted to \$2,771,028, the sum on Capital Account for Public Buildings and Works being \$599,388, of which \$232,674 was a revote of the unexpended amounts for the year 1872 and for Colonization Roads \$146,300, leaving, for current expenditure about \$1,900,000.

My estimate of the probable revenue for 1873, was \$3,090,391, (including cash in Banks, \$352,991) and the actual receipts came to \$3,315,307 (including this cash balance).

THIRD SESSION—SECOND PARLIAMENT.

(January, 1874.)

This session was also fruitful in important measures of legislation; amongst these may be mentioned the extension of the franchise to income voters, and machinery for the revision of Voters' List at a moderate expense to each municipality, while the principle of voting by ballot was introduced; the system of licenses as a preliminary to the lawful solemnization of marriage was made clear and all legal questions, both as to past and future marriages, removed, and the Provincial fee abolished; the wages of mechanics under the sum of twenty-five dollars were exempted from attachment by garnishment. The Attorney-General took a further successful step in removing the anomalies between matters cognizable in law and in equity, and removed the great defect which had, up to this time, existed in our judicial system, by constituting a Court of Appeal as an independent Court, composed of four judges for this purpose. This measure was necessary, not only in the interest of suitors engaged in litigation, but in the cause of justice itself. It is sufficient to mention that the Court of Appeal, as it had existed from 1849, was composed of the three Judges of each of the Courts of Queen's Bench, Common Pleas and Chancery, making nine, and occasionally ten, with a retired Chief Justice. No case thus brought to appeal could obtain the benefit of a review by independent minds, which is the essence of any appellate tribunal, truly so known. The instances were numerous of the dissatisfaction arising from this circumstance, and the consequent injustice to suitors. The delays incident to such appeals were also injurious. The Court of Appeal as reconstituted has proved its efficiency, and given general satisfaction. These Judges in sitting for the trial of cases at the Assizes, have also removed the former deficiency in the numerical strength of the Bench for this purpose. The law relating to Public and High Schools was consolidated under the supervision of the Attorney-General, and the experiment made of introducing elective members into the Council of Public Instruction. The advantage of general laws for incorporating and conferring privileges upon associations of individuals for any proper or lawful object such as for benevolent and charitable purposes, or for any trade, business, or manufacture was also provided for by the Attorney-General in-

producing general Acts for these purposes, and a ready and inexpensive mode of securing legal incorporation for such objects was established, and a great impetus consequently given to the development and progress of the various industries of the Province.

The regulations of the liquor traffic were improved by taking from Municipal Inspectors the right of granting licenses, and placing this under the control of the Police Commissioners in Cities, and the Municipal Councils in other places, and giving the Government further powers for securing compliance with the law.

The number of Acts passed during the session was 103, of which 37 had reference to public objects, and 29 to railways or their incorporation.

The Government also submitted to the Legislature which ratified the following Orders in Council in further aid of railways:

1. Canada Southern Railway, St. Clair Branch.
2. Norfolk Railway, from Brantford to Port Burwell.
3. Wellington, Grey and Bruce Railway, from Palmerston to Wingham.
4. Toronto, Grey and Bruce Railway, additional amount of \$1,000 per mile from Orangeville to Owen Sound.
5. Midland Railway, from Orillia to Midland Bay.
6. Hamilton and North Western Railway, from Hamilton to Barrie, and from Clarksville to Collingwood.
7. Victoria Railway, from Lindsay to the Bobcaygeon Road.

The estimates for the year 1874 introduced by me amounted to \$2,667,495, comprising the following: (1) Current expenditure for the year, \$1,791,513; (2) On capital account, \$613,740; (3) and for other purposes, \$262,242. The revotes on capital account for Public Buildings amounted to \$197,788, and the new expenditure to \$124,913, and for Public Works (including drainage) the revotes were \$116,525, and and new votes \$56,786.

My estimate of probable revenue, including cash on hand, was \$2,772,805, and the actual receipts for the year, including cash on hand, were \$2,691,276.

FOURTH OR LAST SESSION OF THE SECOND PARLIAMENT.

(November, 1874.)

This session commenced on the 12th November, 1874, and, although the last of an expiring Parliament, presents an equally satisfactory record of its labours, ninety-four Acts having been passed, thirty being for public objects—in providing for the increase of the representation of the Province by six additional members; in imposing additional checks against bribery and corruption at elections, and facilitating the procedure in election trials; in making titles to land more secure, and simplifying the proof thereof by lessening the time required to constitute title by possession; the ballot was also extended to municipal elections,

and the operation of the Mechanics' Lien Act made more complete. The House also ratified twelve Orders in Council respecting aid to railway companies, viz.:

1. Toronto, Grey and Bruce Railway, from Toronto to Weston, and
2. Extensions of time of completion to eleven companies.

Sixty-four private Acts were passed, sixteen having reference to railways or their incorporation.

The Estimates introduced by me for 1875 amounted to \$2,187,657 and comprised the following: (1) current expenditure \$1,807,594; (2) on capital account \$270,700; 3) for other purposes \$110,063; the sum of \$132,370 being re-votes for amounts unexpended in 1874, and \$39,330 being for new expenditures.

Upon this record of four Sessions, the General Election was held in January, 1875, and that record was accepted by a large majority of the electors as not only satisfactory but as having demonstrated the wisdom of Confederation under which Provincial and local questions had been committed to a Provincial Legislature. The Government was also fully vindicated in its discharge of the various duties and responsibilities entrusted to it on behalf of the Province; such as the efficient administration of justice, civil and criminal, management of finances of the Province, the construction and maintenance of public buildings and works, the promotion of agriculture, science and art, the conduct of the several public institutions, the management of the public lands and revenue, all educational matters, including Public and High Schools and the Provincial University, and generally all those matters of daily concern on which the welfare of each inhabitant of the Province depends. The financial exhibit as of the 30th September, 1874, showed a considerable improvement over that in December, 1871, the close of Mr. Sandfield Macdonald's Government. The then surplus invested was \$3,637,979, but chargeable with \$1,500,000 the amount of the Railway Aid Fund established by him, leaving thus \$2,137,979, which was liable also to meet \$764,694 of the unexpended appropriations for that year, of which \$348,991 were for public works and buildings, and which were not expended till the year 1873, thus leaving the true surplus \$1,373,285 (c). The statement made by me on the 19th November, 1874, established that our surplus was \$5,756,352. In this was included the amount of the municipal loan fund debts, as reduced, and the special funds with the Dominion; but against this was the additional charge of \$400,000 added by Mr. Blake to the railway fund, \$250,000 of the accrued railway subsidy payments, and \$3,115,733 amount of surplus distribution. The surplus of revenue actually received over the expenditure under the appropriations for the years 1872 and 1873, and up to the 30th of September, 1874, amounted to \$1,714,894, and supplied the necessary funds to meet the payments, as called for, to railways and municipalities without disturbing the investments.

(c) See note in Appendix.

On the same occasion I explained the negotiation in England of £313,300 sterling, which represented debentures of municipal corporations given in discharge of their reduced indebtedness to the Province. My explanations were accepted as satisfactory by both sides of the House, but this was subsequently made the basis of a newspaper attack in connection with the general elections, but it was satisfactorily disposed of no less by your verdict in August, 1875, than by that of a jury; and on the repetition of this charge in September, 1878, and another suit having been commenced by me the gravamen of the charge was entirely withdrawn. So far as the pecuniary results were concerned, the facts conclusively showed that the Province had realized more from these debentures than was possible in any other way. The rate of interest on the debentures was 5 per cent. and the discount allowed purchasers did not make their investment exceed $6\frac{1}{2}$ per cent.

In one of the tables also submitted by me to the House it will appear that no less than 1,110 miles of additional railway had been completed since 1st July, 1867, and that of 20 railways aided through the liberal administration by the Government of the railway fund, 18 had made considerable progress, and that of 852 miles of railway aided, more than one-half had, on that date, been completed. It further appeared that while the amount of banking capital in the province in 1867 was about \$13,000,000, on the 13th September, 1874, it amounted to \$16,197,250; and the deposits had increased from \$14,000,000 in 1867 to \$20,442,570 in September, 1874.

During this Second Parliament, which had been elected under the auspices of Mr. Sandfield Macdonald's Government, in the total House of 82 members, the Government could rely upon a majority of 18 to 20 on all party divisions. The last Session was held in November, 1874, in order to allow the elections for the next Legislative Assembly to be held in January, 1875.

FIRST SESSION OF THIRD PARLIAMENT—1875-6.

The Act of 1874 increased the number of members of the Legislative Assembly to 88, and the result of the elections was to give Mr. Mowat's Administration the support of a larger majority than in the previous Legislature throughout this Third Parliament. Possessing this strength, the Government was able to make further advances in the way of remedial and necessary legislation on important subjects, as well as to exhibit a still more vigorous administration.

This Session began on the 25th November, 1875, it being then held in order to comply with the Constitution, which requires at least one Session of the Legislature in each year; and at its close, on the 10th February, 1876, 114 Acts were assented to by the Lieutenant-Governor, 36 of these being for public objects, and 78 for private, 20 thereof being in respect of Railways, or for their incorporation. The public measures were for the following objects:—Vital statistics; amendments to the municipal elections; amendments to the law suggested by the

Statute Commissioners; the privileges of the Legislative Assembly; as to corrupt practices at elections and trials; Voters' lists; payment of witnesses in criminal cases; Circuits for County Court Judges; increase of jurisdiction and amendments to the Division Court Act; the Education Department composed of a Committee of the Executive Council substituted for the Council of Public Instruction, and a responsible Minister for the Chief Superintendent; security of public officers to the Crown; the regulation and licensing of Insurance Companies doing business in Ontario, also a uniform policy of fire insurance; respecting permanent building societies; legal reforms and simplification of titles.

Further amendments were made in the law respecting the liquor traffic, so as to secure proper restraints and diminish its injurious effects, of which the following may be noticed: (1) in constituting, as a licensing body, a board of honorary commissioners, appointed annually, in lieu of the former Police Commissioners and Municipal Councils; (2) in limiting the number of licenses according to a fixed ratio of population; (3) in requiring that the accommodation for all taverns, without exception, should include a well appointed and sufficient eating house, with proper appliances for serving meals; (4) security from each tavern keeper for the observance of the law; (5) the appointment by the Lieutenant-Governor in Council of the Inspectors of Licenses, and for their giving security; (6) the character and repute of all applicants both for tavern and shop licenses were to be considered in granting licenses; (7) the number of shop licenses to be limited by by-law of the Municipal Council; (8) increased license fees were imposed, two-thirds thereof being payable to the Municipality; (9) proof of sale and other proceedings for conviction were facilitated; and (10) the License Commissioners were authorized to appoint officers to enforce the Act.

The Railway Aid Fund and the Railway Subsidy Fund having been exhausted by the appropriations under the several Orders in Council which had been passed and approved of during the former Parliament, an Act was passed during this Session to grant further aid out of the Consolidated Revenue Fund to the following Companies, viz.:

1. The Lake Simcoe Junction Railway, from Stouffville to Lake Simcoe.
2. The Belleville and North Hastings Railway, from the Grand Junction Railway, 22 miles northerly.
3. Cobourg, Peterborough and Marmora Railway, from Harwood to Ashburnham.
4. Credit Valley Railway, from Brock Road to Ingersoll, and from Cataract to Elora.
5. Stratford and Lake Huron Railway, from Stratford to Listowel.

Additional aid was given to the following Companies, that is to say:

1. Victoria Railway, from Lindsay to Kinmount.
2. Montreal and City of Ottawa Junction Railway, from the City of Ottawa to the Province boundary line near Grand Trunk Railway.
3. Midland Railway, from Waubashene to Midland Bay.
4. Grand Junction Railway, from Stirling to Peterborough.
5. Kingston and Pembroke Railway, from Charbot Lake to the Mississippi River.

This Act also provided that the Lieutenant-Governor in Council might grant aid to any Company, at the rate of \$8,000 per mile, so as to secure a railway from some point in the district of Muskoka as far north as Gravenhurst to the Georgian Bay branch of the Pacific Railway near Lake Nipissing.

In my Financial Statement to the Legislative Assembly, on the 13th December, 1875, I explained the position of the Province with respect to its surplus of assets over liabilities up to the 30th September, 1875, comparing it with my previous Statement to 30th September, 1874. The particulars were then given in detail, and showed that the excess of Provincial assets over liabilities was, on 30th September, 1874, the sum of \$5,756,352
and on the 30th September, 1875 5,096,376

Difference being..... \$659,976

The liabilities included the supposed share of Quebec in the Common School lands since 1st July, 1867, aid to Counties for gaols, interest accrued on Surplus Distribution Fund, and the further sum of \$100,000 accrued in respect of the Railway Subsidy Fund. I also showed the financial operations of the Province since 1st July, 1867. From that date to the end of 1874, the receipts were in the aggregate \$19,188,642, and expenditures \$14,214,157, and no less than \$1,714,894 were added to the cash surplus since the end of 1871, in the two years, 1872 and 1873, or in as large a proportion as in the preceding four years. In 1874, the amount actually paid in excess of receipts was \$425,144, but the payments included nearly \$2,000,000 for surplus distribution, and \$500,000 from the Railway Fund; but against this about \$800,000 was realized from the sales of Municipal Loan Fund Debentures. My figures thus showed a total of cash Receipts over Expenditures to the end of 1873 \$5,525,859
and expenditure over receipts in 1874 of 425,144

Leaving at the end of 1874 excess of receipts..... \$5,100,715

which then stood as follows :—

1. Invested funds in Dominion Government securities	\$2,747,805
2. Amount on special deposit at interest in Banks, 31st December, 1874	1,328,348
3. Railway Fund—special payments not included under expenditures in 1872	\$372,786
Do do in 1873	426,642
	<hr/>
	799,428
4. Drainage Debentures	53,949
	<hr/>
	\$4,929,530
	<hr/>
Difference..	\$171,185
	<hr/>

Being exact cash balance in Bank to the credit of the Province, January 1st, 1875.

I also showed that of this amount of total receipts since 1st January, 1867, \$19,188,642 there would be found represented in the following, viz. :—

Invested and at interest in Bank.....	\$4,076,153
Public Works and Buildings.....	2,448,179
Drainage Debentures.....	108,187
Drainage Rent Charges.....	174,813
Railway Aid Payments.....	799,428
Railway Subsidy do.....	52,010
Municipal Surplus Distribution do.....	1,361,101

the sum of...\$9,019,871

leaving \$10,168,768 as the expenditure for current maintenance and other subjects during this period of seven years ; or on a yearly average, less than \$1,500,000 for the expenses of Civil Government, Legislation, Administration of Justice, Civil and Criminal, Education, Agriculture and Arts, Public Institutions, Hospitals and Charities, Colonization Roads, Management of Crown Lands and Revenues. I showed that, for these purposes (or as being expenditures on current account), the sum of \$1,800,000 would probably be sufficient, or \$2,000,000, when the increasing wants of the community and increasing population required more. Also, that under ordinary circumstances, the annual revenue could be safely estimated at \$2,500,000. The annual revenue to the end of 1874 was as follows :—

In 1868.....	\$2,260,176
“ 18 9.....	2,625,179
“ 1870.....	2,500,695
“ 1871.....	2,333,179
“ 1872.....	3,060,747
“ 1873.....	2,962,315
“ 1874.....	3,446,347

But, as \$799,525 were proceeds of sales of Municipal Loan Fund Debentures, the normal receipts for this year were \$2,646,872.

The Estimates for 1876 called for \$2,135,245, of which the amount for current expenditure was	\$1,831,824
on Capital Account	235,520
and for other purposes	67,901

The estimate of receipts was	\$2,350,000
while the amount received, including \$171,184, balance in Bank, and excluding \$651,686 from Municipal Loan Fund Debentures, was	\$2,678,993

The total amount was, in fact, \$2,784,446, in which, however, was included, from Municipal Loan Fund Debts, \$113,444 and \$190,113 cash on hand.

I further showed that if the total expenditure for the four years from 1867 to 1871 inclusive, were considered with reference to the expenses of Civil Government, and those for 1872, 3, and 4 that the annual expense of management for the last three years would show much less in percentage of cost than for the first four years; the figures for this appear at page 21 of my statement. I also showed that in the reduction of the Municipal Loan Fund debts the Legislation of 1858 had, by its operation, caused a large reduction before these debts came under the control of the Province, inasmuch as by sec. 88 of chap. 83 of the Consolidated Statutes of Canada all of these debts were reduced by such a sum as would equal five cents in the dollar on the assessed yearly value of the property of the municipality, and that such limited sum should be levied instead of the payment which the municipality would otherwise be bound to make. The effect was to reduce these debts to the amounts which would represent the capitalized assessment of 1858 at five per cent., and so to reduce them in the aggregate to about three millions of dollars. After crediting the indebted municipalities with certain further allowances in aid of railways the amount actually received in cash from the proceeds of the Municipal Debentures given for the reduced debts was more than \$1,500,000; in addition to the amount allowed the municipalities of Brockville, Lanark, and Renfrew, in settlement of the decree obtained by the Canada Central Railway Company against the Province.

SECOND SESSION OF THIRD PARLIAMFNT—1877.

The work of this session ended on the 2nd March, 1877, and showed that 88 Acts had been passed of which 29 were public in their nature, and 59 private, 20 being in respect of railways, and the most important of the public Acts were upon the subjects following:—

Escheats and forfeitures, so as to vest the estates of intestates dying without heirs or next of kin in the Crown for the public uses of the Pro-

vince, and the constitutionality of which Act was lately affirmed by Mr. Vice-Chancellor Proudfoot, in the case of the Attorney-General against O'Reilly, notwithstanding that the Dominion Government had previously laid claim to the different subjects brought within this Act; also, giving effect to the Revised Statutes and incorporating therein amendments reported upon by the Commissioners; the Franchise to Farmers' Sons; application of voters's list to municipal elections; needed amendments in the Acts respecting the Education Department, and Public and High Schools; a new Act for the encouragement of Agriculture, Horticulture, Arts and Manufactures, including Mechanics' Institutes, Ontario Society of Artists, the Fruit Growers' Association, the Entomological Society, and the Dairymen's Association; further amendments to the law respecting the liquor traffic, with schedules of forms of procedure to enable prosecutions to be successfully conducted, and the law was thereby made nearly complete.

Further grants were made from the Consolidated Revenue Fund to the following companies:—

1. Victoria Railway, from Kinmount to Haliburton.
2. Whitby and Port Perry Railway, from Port Perry to Lindsay.
3. Prince Arthur's Landing and Kaministiquia Railway, from Prince Arthur's Landing to Fort William.
4. Kingston and Pembroke Railway, from the Mississippi to the Madawaska.
5. Credit Valley Railway, from Toronto to Ingersoll, from Streetsville to Alton, and from Cataract to Elora.
6. Montreal and City of Ottawa Junction Railway, from the City of Ottawa to the Provincial boundary near the Grand Trunk Railway.

And by this Act the means of securing a Colonization Railway were provided, in setting apart a portion of the unsettled lands of the Province so as by the sale thereof to form a fund to recoup the Province in respect of any moneys granted in aid of railways, and by this Act ten miles in width on each side of the proposed line of the Victoria Railway were thereby set apart for the purpose.

The Legislative Assembly approved of the mode of establishing the School of Practical Science so that it might become such a school in fact, and the school has since been erected and instruction commenced in September last. It can now give scientific and practical training in mechanics, civil and mining engineering, mineralogy and geology, assaying and metallurgy, and chemistry as applied to the arts, with every advantage to youths in the Province who desire such instruction, while the cost to the Province has been most moderate, and the annual maintenance will not exceed \$5,500, while on the original plan of Mr. Sandfield Macdonald for the like advantages the annual expenditure would have been not less than \$25,000.

The report of the Commissioner of Agriculture on the International Exhibition at Philadelphia, in 1876, and the Special Report of the Edu-

cation Exhibit thereat, were amongst the important documents submitted during this session. From these it will be seen that the most gratifying success attended the efforts of Ontario at that exhibition. My last financial statement was made on the 10th of January, 1877, having filled the position of Treasurer as well as Minister of Education, from February, 1876. The financial operations of 1876, as compared with my former statement to the 30th September, 1875, showed an excess of assets over liabilities nearly as large as on the 30th September, 1875, for on the 30th December, 1876, the Province possessed a surplus of \$4,873,203. The gross amount of assets on the 31st December, 1876, amounted to \$6,858,811 the liabilities on the 30th September, 1875, were..... 2,694,201 and on the 31st December, 1876..... 1,985,608 thus showing that the liabilities were reduced by about \$700,000 notwithstanding an addition of \$481,000 to railway grants by the Act of 1875-6. So that although the assets had been reduced by \$900,000 the position had been improved by nearly \$300,000.

On the 31st December, 1876, the amounts still payable were

(1) Railway Aid Fund	\$498,762
(2) Railway Subsidy Fund.....	198,356
(3) Surplus Distribution..	443,682

Total	<u>\$1,140,800</u>
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The actual receipts in 1876 were.....	\$2,579,980
being in excess of my estimate of.....	<u>2,350,000</u>

Excess	<u>\$229,980</u>
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and estimated expenditure.....	\$2,360,317
while the actual expenditure was.....	<u>2,237,145</u>

Difference	<u>\$123,172</u>
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Or showing a better result of the operations of 1876 than my estimate of \$353,152

Amongst items of actual receipts which were larger than the estimate, Crown Lands and Woods and Forests were in excess. 58,000

The estimate for the services of 1877 asked for was ...	2,540,223
being for current account.....	\$1,983,752
on capital account	432,927
and for other purposes.....	<u>123,543</u>

The increase asked for public buildings in 1877 over 1876 was caused by the necessity of immediately increasing asylum accommodation, and my estimate of revenue was taken as a *minimum* at \$2,370,000. The

actual revenue, however, for the year 1877 was \$2,504,133, not including advance on Dominion stock amounting to \$725,133. The expenditures under the appropriations for the year amounted to \$2,363,806. This year again showing an excess of revenue over the estimate, and less expenditure than the appropriations.

With reference to the Railway policy, I showed that, while the Statute authorised a maximum of \$4,000 per mile, none of the Orders introduced by Mr. Blake exceeded \$3,000, and that the principle upon which the Railway Aid Fund and the Railway Subsidy Fund had been dealt with, was to aid such railways when it was evidenced by the large amount raised by the Municipalities interested that they were not only required, but could be successfully completed with the addition of the proposed grant from these funds. The original creation of the fund for \$1,500,000 by Mr. Sandfield Macdonald, to be dealt with by Orders in Council, excluded any consideration of a defined system of railways which should alone be entitled to Provincial aid. Of the 22 railway companies aided up to end of 1876, eleven had completed the total mileage and received their grants, four had completed portions, and had received grants for such portions, six were in course of construction, and only one, the Prince Edward Railway Company, had not then made a commencement, but it has since been placed under contract. Of these 22 railways, ten were comprised in the Orders in Council brought down by Mr. Blake in the Session of 1872, and seven of these have fully completed their works and received the Provincial grants. Upon an amount of payments, equal to about \$2,280,000 from the Province, it has been computed that ten times that amount has been expended upon the construction of Railways so aided, during the period from the first of January, 1872, to the 1st of January, 1879.

THIRD SESSION, THIRD PARLIAMENT—1878.

This Session began on the 9th January, and at its close on the 7th March, 75 Acts were assented to by the Lieutenant-Governor, 25 of which were for public objects and 50 for private; 4 being in respect of Railways. The more important public measures to be noticed are the following: to establish regulations for the public service of Ontario; for more clearly defining the rights and powers of Justices of the Peace; for the winding up of Joint Stock Companies; for confirming the Revised Statutes of Ontario as finally completed; to establish a fund of \$200,000 in aid of Tile Drainage operations; to make the Mechanics' lien law more effectual, and to provide for the finality of the Voters' List. Aid was also given out of the Consolidated Revenue Fund to the following Companies, namely:

1. Hamilton and North-Western Railway from Jarvis to Dover.
2. Port Stanley, Strathroy and Port Franks Railway, from Strathroy for a distance of 10 miles.
3. North Simcoe Railway, from Penetanguishene to the Northern Railway.

The Estimates for 1878 brought down by the Honourable Mr. Wood (who became Provincial Treasurer after the close of the Session of 1877), asked for \$2,542,353 for the service of 1878, being for current expenditure \$2,052,653 ; on capital account \$418,986, and for other purposes \$70,713. His estimate of revenue was \$2,451,069. His statement showed that the receipts for the year 1877 had been \$2,452,077, and that the amount expended under the appropriations for that year was \$83,762 less, and that there was a surplus of assets over liabilities as of the 1st January, 1878, of \$4,752,798. This surplus was the result after providing for all the then liabilities of the Province.

Railway Aid Fund	\$400,162
Railway Subsidy Fund.....	147,319
Railway Grants by Statute	393,308
Surplus Distribution, balance unpaid	202,234
Quebec's share of Common School Fund	270,052
Purchase of Rockwood Asylum	96,500

Total liabilities.....\$1,509,576

My statement showed the surplus on the 1st January, 1877, to be \$4,873,203, but there was a reduction during 1877 in the liabilities from \$1,985,608 to \$1,509,576, amount payable to Quebec having also been ascertained at a less sum than appeared in my statement.

FOURTH SESSION, THIRD PARLIAMENT—1879.

Although this was the last Session of an expiring Parliament, it presented for the consideration of the Legislature a larger amount of business than during the previous Session, more than 148 Bills having been introduced, of which 94 became law, 39 being for public objects. The most important of the Public General Acts were the following:—To confirm the determination of the Northerly and Westerly boundaries of Ontario by the Arbitrators, and also to provide for the administration of Justice therein ; in providing for the duration of the Legislative Assembly and matters connected with Voters' List and elections ; for protecting candidates when lawful and reasonable expenses are incurred on their behalf without any corrupt intent ; by adding \$50,000 further to the Drainage Debenture Fund, and to extend the Tile Drainage Act to stone or timber drains ; to materially improve the system of selecting jurors as well as to accomplish a great saving in expense ; to regulate proceedings under power of sales in mortgages, and to preserve the right of dower to wives, notwithstanding any bar of the same, in any mortgage ; to facilitate Companies in supplying gas, heat, or steam ; for the inspection of Insurance Companies, but at the expense of such Companies. Further amendments were also made respecting Public, Separate, and High Schools. After only nine months' experience of our educational system I had been obliged to submit certain amendments in the Session of 1877 to remove many admitted difficulties, to

provide a satisfactory system for securing efficient teachers, and to meet other pressing wants; and when in the interval other defects were ascertained and the needed remedies could no longer be postponed, these also had to be dealt with. The mode of holding Public School elections in the cities, towns and villages (other than Toronto), had become a frequent source of litigation, and so in Separate Schools. The power of School Boards to demand money on capital account from the ratepayers through the Municipal Councils had been in many instances exercised without due consideration of the circumstances or resources of the ratepayers, and required some check so as to afford an opportunity for the position and wishes of the ratepayers being understood before burdens which might be unnecessary or undue, could be imposed upon them. The amendments embodied in the Act of 1879 were no less necessary in the interests of the Schools than were the changes made under the Act of 1877, and amongst other questions one was definitely settled, that of open voting at School elections, which had been the subject of discussion and of Bills introduced in previous Sessions from the time of the application of the ballot to Municipal Elections. It cannot be said that in our educational system, a period of finality has been reached, either in regard to the law and regulations, or in aspects purely educational, and it will always be the duty of the Minister to consider and propose to the Legislature such changes as may result in further improvements.

The financial statement of Mr. Wood, the Provincial Treasurer, made to the House on the 5th February, 1879, showed that the receipts for the year 1878, amounted to \$2,254,421; his estimate of revenue having been \$2,451,069, the chief falling off being in Crown Lands Revenue.

The total expenditure under the appropriations was \$2,408,534, but of which the following were on capital account:

Public Buildings	\$272,294
Public Works	26,313
Colonization Roads	85,612
Total	<hr/> \$384,219

Notwithstanding this, the position of the Province as of the 1st January, 1879, showed a surplus of assets over liabilities of \$4,430,993 as compared with \$4,952,798 on the 1st January 1878; the liabilities however being reduced to \$1,411,755, notwithstanding an additional liability then for the first time ascertained of amounts due Municipalities in connection with the Land Improvement Fund, which amounted to \$124,685. Of the total expenditure since 1871, Mr. Treasurer Wood submitted to the Assembly a statement of the amount distributed directly or indirectly to the people of Ontario, and which amounted during that period of seven years to \$17,560,570, of which \$2,279,524 had been paid in aid of Railways; \$3,225,378 to the Municipalities in the distribution of the surplus; \$623,063 to Muni-

palities from Clergy Reserves and for Land Improvement; \$419,593 for drainage purposes, and \$664,867 for Colonization Roads.

No further Railways were aided during this Session, but the Treasurer gave full statements with reference to all Railways aided by the Province as well as the actual payments made by the Province, and by Municipalities, namely, total payments by the Province \$2,279,014, total by Municipalities \$7,139,489, total mileage completed 1,357, approximate mileage under construction 321.5, approximate total of expenditure from all sources \$22,875,186.

From the Reports presented to the House, it appeared that this Province, in the nature, extent and excellence of its Exhibits at Paris, had gained as great commendation as in 1876 at Philadelphia, and that an opportunity had been opened for certain of our manufactures so as to justify the Government in recommending an appropriation of five thousand dollars for better securing this new market.

During the Eight Sessions now in Review, no measure of public importance was introduced by the Opposition. Nor were they able to resist or modify any of the measures introduced by the Government. The Government also exercised that proper control over private legislation coming from any quarter so as to confine all acts within correct principles of legislation.

Matters which come within the daily duties of the Government in the administration of the several Departments, were also marked with that attention and consciousness of responsibility to the people and their representatives, which resulted not only in giving general satisfaction to all the inhabitants of the Province, but in adding much to their general welfare, improvement and influence.

Much had been left undone by their predecessors, such as the ascertainment of the actual boundary line between the Provinces of Ontario and Quebec, and on which valuable timber and other lands depended; and it was left for the patient industry and marked ability of the Premier, Mr. Mowat, that a satisfactory solution to the great question of defining the northerly and westerly boundaries of our Province was at last arrived at. When the people of Ontario understand that Sir John A. Macdonald's administration at Ottawa had obtained a report which would have confined the western limit of Ontario to a point east of Thunder Bay on Lake Superior, they will see the important issue which was involved in the controversy, and what should be their congratulations on the satisfactory result. It required also the legal experience and ability of Mr. Mowat to bring the disputed question under the award between Ontario and Quebec to a completely successful determination in favour of Ontario by the Judicial Committee of the Privy Council in England.

In the Education Department since the substitution of a responsible Minister for the Chief Superintendent, greater interest has been taken in this important work of the education of the whole youth of the Province, and also in higher education in our High Schools. The supply of more efficiently trained teachers has been secured for the Public Schools, and both High and Model Schools have been made accessible for their

special objects and advantages in being conveniently situated in every county of the Province. The School Law and Regulations having been revised by the Minister are now to be found in one convenient book ("The Compendium") which has been gratuitously distributed to all school bodies and officials.

The great want of Institutions for the maintenance and proper education or treatment of those who are necessarily dependent upon public care, such as the blind, deaf and dumb, lunatics, idiots, and others, has now been abundantly supplied. The Province also, in the Central Prison, possesses an Institution, complete in all respects, for the work of punishing and reforming criminal offenders. The value and special importance to Ontario of increased knowledge in practical agricultural matters has been well provided for in the School of Agriculture and Model Farm, at Guelph, while one and all of the Public Institutions show that, while properly efficient for their respective purposes, they can favourably compare with the like Institutions elsewhere in their economy.

In discharging its responsibility in the matter of regulating the liquor traffic, the administration of the Act of the Provincial Legislature, as finally revised, has checked the evils of intemperance, and proved an effective remedy, especially in suppressing the larger evil of illicit selling, and in securing the apprehension and conviction of offenders against the law, with a degree of certainty not before possible. Experience has also proved that the measure is an economical one, and is not opposed to the true interests, financially or otherwise, of the municipalities.

The increased activity of the Crown Lands Department since 1871, in surveys and in the construction of colonization roads, has assisted in the development of a larger area of territory in the Muskoka, Parry Sound, and Nipissing districts, and especially in the increase of the area of free grant lands actually settled upon. The Opposition has not been able to fasten any charge of impartiality or misdoing upon the administration of this Department, and an attempt to do so on the part of the Hon. Mr. Macdougall was defeated by a majority of 38 in a House of 72 members, several members of the Opposition bearing testimony to the impartiality which prevailed under the present Commissioner. Even the sale of the timber limits on Lake Huron, which had done duty as a charge against the Government in the election of 1875, was justified afterwards in the Session of 1875, by Mr. Macdougall himself, in which he complained that the Government had gained such an advantage over the purchasers that they had grounds for setting aside these sales in a Court of Equity.

The charges advanced during the general election of 1875, on the part of the Opposition, were dealt with in the former pamphlet submitted for your consideration. They involved the charge for increasing the expenditure under Civil Government, also as to the expense of the fence around the Parliament Buildings (which cost \$1.43 per foot), and an attempt to show that tenders had not been duly advertised for certain works at the Central Prison, and to charge the Government with

the incompetency of Mr. McCandless, for a short time the Principal of the School of Agriculture.

The charges in the present election against the Government are, that there have been annual deficits, or an excess of expenditure over receipts, when the Public Accounts of 1872 and 1873 show that the amount added to our cash resources, over and above the amount of investments at the end of 1871, during these two years was \$1,714,894, while, during the five following years, namely, from 1874 to 1878, the revenue exceeded the expenditures, under the appropriations, by \$2,646,528, or, instead of there being a deficit in the Provincial finances in any year since 1871, the cash receipts have exceeded the expenditures under the annual appropriations by no less an amount than \$4,301,422.

When, however, the payments for special objects, such as railways and surplus distribution, have also been met out of the revenues for those years, and from the Municipal Loan Fund receipts, the cash surplus was necessarily reduced; but with the large amount of assets still on hand as of the 1st of January, 1879, according to the Treasurer's statement, and including the sum of \$2,197,010 invested in Dominion 6 per cent. stock, and 5 per cent. debentures, and convertible into cash at any moment, where can any deficit be found?

So far as any increases in the appropriations are concerned they have been shown to be clearly justifiable. The increase under Civil Government arises chiefly from an increase in the salaries of officials made in 1873 (all such having been appointed by the former Government), and from some additional clerks required since. This increase in salaries was approved of by Mr. M. C. Cameron and Mr. Stephen Richards, leaders of the Opposition, and the increase was necessary in the public interest. The public business has increased as will be apparent from the increased activity of this Government as compared with the former, and from the additional number of subjects under their charge. The causes of such increases were placed in full detail before the Legislature at its last session by the Provincial Treasurer, and the Opposition were neither able to successfully object to this nor to gainsay his statement which showed the surplus of assets at \$4,430,993.

A charge was specially made of an increase in Education of \$200,000 in the expenditure of 1877 as compared with 1871. This was fully explained and justified by me, and its nature may be concisely stated here. The actual increase in 1877 after deducting increase of revenue was \$176,344, comprising the following increases:—

1. Grant to Public and Separate Schools	\$66,059
2. Grant to Poor Schools	6,010
3. Grant to High Schools.....	5,713
4. Depository Stock	14,806
5. County Inspection	16,376
6. Superannuated teachers	20,247
7. County Model School, and travelling and other expenses of Normal School students.....	6,559

8. High School Inspection	6,332
9. Departmental Examinations	5,977
10. Normal School, Toronto	5,027
11. do Ottawa (new).....	14,082
12. Depository management	3,033
13. Education Department.....	5,500
14. Confidential printing.....	1,110
	<hr/>
	\$176,831

Thus showing that these increases went directly to the schools themselves, or to the municipality for school purposes, except in the increased expense of management amounting to \$8,533 in all, and being for the Education Department and Depository, while the volume of business had increased in a way to justify this. Full particulars will be found in the printed copy of my speech on that occasion which has now become a record of the Education Department.

While the journals of the Assembly during these several Sessions present a record which conclusively establishes a claim on the inhabitants of this Province of every class, creed and condition irrespective of all political distinctions, upon which a Reform Government can confidently rely of having properly and fully discharged all the duties and responsibilities entrusted to them as a Provincial Government under our Constitution, they show an insignificant record of any efforts made by the Opposition which can be said to have been in the Provincial interests. In the important measures of legislation involving so large a number of Public General Acts it cannot be said that the Opposition were at any time successful in any material amendments to such measures, and the extent of the labours of the Opposition in introducing any remedial legislation will be known when the number of Acts introduced during these eight sessions would not exceed one per session.

The Opposition for the first time and in this last session endeavoured to establish a reputation as economists against the Government, but the public is too familiar with the circumstances attending each particular vote in the direction of reduction (*d*) to believe that such efforts are either sincere or in the public interest; and in the matter of the increase in the Ministers' salaries and the members' indemnity it has been proved that this was the result of the declared approval of the leaders of the Opposition, and of almost every member thereof, and also that my motion in the session of 1876, when the House was in Committee to reduce the indemnity to \$600 was lost, mainly owing to the large number of the Opposition who voted against it.

So far as their present claims as economists are concerned the same record of the journals can best testify as to this. Their late attempt in the last Session would have accomplished so insignificant a result, having regard to the numerous opportunities which the annual discussions on

(*d*) See note in Appendix.

the Estimates of each of these eight Sessions afforded, that they are conspicuously shown to be ignorant of the true principles of public economy by which the administration of the people's affairs should be regulated ; and in a word the whole conduct and course of the Opposition throughout these eight Sessions have established more widely the separation between Conservative and Reform principles. The only aim of the former is to obtain control of the reins of government, and to accomplish this by entrapping the electors with some plausible expedient, and at the present time by their unscrupulous outbid for place ; while Reformers rely upon showing that they have been true to their principles of promoting good government and thus securing the wellbeing of all. They know that this necessarily requires such progressive changes in government as from time to time may be developed ; and it must be always true of Reformers in the very nature of things that they cannot cease going on with such further specific reforms as are hopeful of further public good.

I will now end this eight years' review as I began it, with Lord Dufferin's eloquent description of our Province and its people, as was fitting in a reply to the address of your representatives ; and the good qualities which he ascribes to us of loyalty to the Crown, self-reliance, energy and great industry, and which has enabled us to convert a wilderness in less than a century into groups of rich and well cultivated counties, are mainly attributable to the people of this Province having, during the whole of that period, been imbued with the strongest feelings for constitutional liberty ; and it has only been through constant struggles during the greater part of that period that, on the 1st July, 1867, local self-government, in which genuine liberty can only be found, was secured to us ; and if there is one county more than another of that glorious group described by Lord Dufferin, I may be excused if I point to the County of Oxford and to the characteristics of its electors, as an illustration. I am further convinced that in the future, as well as always from the time it had its first representative in the Assembly of Upper Canada, it will continue to send representatives who will preserve this invaluable possession of Provincial autonomy.

ADAM CROOKS.

Toronto, May 7th, 1879.

APPENDIX.

NOTE "A."—*Showing representation of Ontario at Ottawa, in the present Cabinet (1879), and former Cabinet (1877), in the following offices :*

Office.	1879. Constituency.	1877. Constituency.
Premier	Nil	Lambton.
Minister of Finance	Nil	Lennox.
Minister of Public Works	Nil	Lambton.
Minister of Justice	Nil	South Bruce.
Minister of Interior	Nil	Bothwell.

The other offices being of less importance as to Ontario interests. In these Ontario is represented by the Members from Renfrew and North Hastings, and by two Senators.

NOTE "B."—*A Comparative Statement of Salaries and Contingencies in the Departments of Civil Government for the year 1879.*

	Department at Ottawa.	Total amount in Estimates for 1879—\$0.	Corresponding Office in Ontario.	Total amount in Estimates for 1879.
		\$		\$
1	Governor-General's Office....	10,800	Lieutenant-Governor	2,400
2	Privy Council	15,730	Executive Council and At-	} 13,380
3	Justice	12,800	torney-General	
4	Secretary of State and Regis- trar	32,550	Provincial Secretary, Regis- trar and Registrar-Gener- al, License and Adminis- tration of Justice accounts	22,900
5	Auditor General	20,050		
6	Inland Revenue	28,105	Treasury Department, Ag- riculture, Immigration and	} 22,850
7	Finance	49,930	Public Institutions	
8	Treasury Board	2,650		
9	Agriculture and Immigration	31,150		
10	Public Works	53,830	Public Works	17,672
11	Salaries of six Ministers at \$7,000 each	42,000	Salaries of 5 Ministers, 1 at \$5,000, and 4 at \$4,000	21,000
		299,595		100,202
	Contingencies for whole ser- vice under Civil Govern- ment, being estimated <i>en bloc</i>	\$149,750	Contingencies, including sta- tionery, printing, postage, &c., for all Departments under head of Civil Go- vernment	\$10,425

NOTE "C."—*Statement of Surplus of Cash Receipts, and also of Assets over Liabilities for the following years:—*

Year.	Excess of Revenue over Expenditure under Appropriations.
1867.....	\$ 126,229
1868.....	1,067,819
1869.....	1,180,570
1870.....	920,032
1871.....	516,312
1872.....	1,212,791
1873.....	502,103
	<hr/>
	\$5,525,856

There was paid out of this in 1872 on account of Rail- way Aid Fund	\$372,786
and in 1873	426,642
for Drainage Debentures	53,949
Cash in Bank.....	277,948
	<hr/>
	\$1,131,325

The balance invested being equal to.....	\$4,394,534
and the investments being in Dominion 6 per cent. bonds and stock, and 5 per cent. Debentures equal.....	\$2,747,805
	<hr/>

The balance of	\$1,646,729
	<hr/>

being on special deposit with interest at 5 per cent. in
10 banks

Such was the actual position of the cash surplus possessed by the Province on the first day of January, 1874, when this Government began to distribute more than three millions of dollars to the municipalities in connection with the settlement of the Municipal Loan Fund indebtedness. It became necessary, therefore, for the Treasurer from this time in order that the true financial position of the Province should be ascertained to take into account all the liabilities as well as the assets of the Province, and so to present a correct statement.

The first statement of this kind was made by me on the 30th of September, 1874, showing a sur- plus of.....		\$5,756,352
Second " 1875		5,096,376
Third, 31st December, 1876		4,873,203
Fourth by Treasurer Wood, 1877		4,752,798
Fifth " 1878		4,430,993

NOTE D.—*Statement of all reductions in Salaries and Contingencies in the Annual Estimates as proposed by the Opposition in these eight sessions.*

I.—*Salaries :—*

1. Session of 1871-2.

1. Salary of Speaker, \$500, division, 18 to 51

2. Session of 1873.

1. Clerk of Executive Council. \$800 " 18 to 48

2. Ibid. 400 " 19 to 47

3. Ibid. 200 " 23 to 45

4. Inspector of Asylums..... 600 " 21 to 44

5. Ibid. 200 " 31 to 39

6. Clerk to Inspector 1200 " 31 to 58

7. Secretary of Immigration (altogether)..... 1200 " 28 to 41

8. Secretary of Public Works... 300 " 16 to 41

9. Inspector of Division Courts (altogether) 1400 } " 19 to 36
travelling expenses 900 }

10. High School Inspector (to provide for 2 Inspectors only) 2000 } " 12 to 41

3. First session of 1874.

No reduction in salaries proposed.

4. Second session of 1874.

No reduction in salaries proposed.

5. Session of 1875-6.

No reduction in salaries proposed.

6 Session of 1877.

1. Inspector of Division Courts (altogether) 1400 } division 34 to 45
travelling expenses..... 650 }

7. Session of 1878.

1. Inspector of Division Courts, salary and travelling expenses..... 1800 " 33 to 41

2. School of Agriculture, President's salary..... 500 " 30 to 45

8. Session of 1879.

1. Lieutenant-Governor's Secretary 800 " 33 to 51

2. Atty'-General's Salary, \$500 ; Deputy, \$500 ; 10 per cent. off of all salaries over \$800, equal to \$220..... } " 31 to 47

II. Contingencies :

1. Session of 1871-2.

Nil.

2. Session of 1873.

Nil.

3. 1st Session of 1874.

Nil.

4. 2nd Session of 1874.

1. Crown Land Department, no reduction, but regret that the expenditure had exceeded the appropriation. Motion in amendment that it was justifiable. Carried, 35 to 8.

5. Session of 1875-6.

Nil.

6. Session of 1877.

Nil.

7. Session of 1878.

Nil.

8. Session of 1879.

1. Lieutenant-Governor's Office, \$450.

(Division 33 to 51.)

Total proposed reduction in the Eight Sessions, in Contingencies, \$450.

Comparative Statement of Expenditure for Civil Government, from 1873 to 1879.

1873.	1874.	1875.	1876.	1877.	1878.	1879.
\$ 156,646	\$ 156,657	\$ 152,450	\$ 156,565	\$ 159,996	\$ 158,721	\$ 155,847 Estimated.

It will be seen from the foregoing that when the salaries and contingencies were increased in 1873, there were no objections urged by the Opposition, and that there has been no substantial increase in these since, notwithstanding the increase in Minister's salaries; also, when the wholesale reductions were proposed as to salaries, in 1879, there was only one motion for reduction in the amount of Contingencies, viz., in the Lieutenant-Governor's office, also that the reduction by the Government in the indemnity from \$800 to \$600 was acquiesced in by the whole House.

ADAM CROOKS.

May 7, 1879.

